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Patent and Trademark Office

NOTICE OF ALLOWANCE AND ISSUE FEE DUE

MM91/0921

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APPLICATION NO.	FILING DATE	TOTAL CLAIMS	EXAMINER AND GROUP ART UNIT	DATE MAILED
09/407,651	09/28/99	007	HIRSHFELD, A	2859 09/21/01
First Named Applicant	ROGERS, 35 USC 154(b) term ext. = 0 Days.			

TITLE OF INVENTION LOCATION MARKER

ATTY'S DOCKET NO.	CLASS-SUBCLASS	BATCH NO.	APPLN. TYPE	SMALL ENTITY	FEE DUE	DATE DUE
3 696-P-4	116-209.000	M26	UTILITY	YES	\$620.00	12/21/01

THE APPLICATION IDENTIFIED ABOVE HAS BEEN EXAMINED AND IS ALLOWED FOR ISSUANCE AS A PATENT. PROSECUTION ON THE MERITS IS CLOSED.

THE ISSUE FEE MUST BE PAID WITHIN THREE MONTHS FROM THE MAILING DATE OF THIS NOTICE OR THIS APPLICATION SHALL BE REGARDED AS ABANDONED. THIS STATUTORY PERIOD CANNOT BE EXTENDED.

HOW TO RESPOND TO THIS NOTICE:

I. Review the SMALL ENTITY status shown above.

If the SMALL ENTITY is shown as YES, verify your current SMALL ENTITY status:

- A. If the status is changed, pay twice the amount of the FEE DUE shown above and notify the Patent and Trademark Office of the change in status, or
- B. If the status is the same, pay the FEE DUE shown above.

If the SMALL ENTITY is shown as NO:

- A. Pay FEE DUE shown above, or
- B. File verified statement of Small Entity Status before, or with, payment of 1/2 the FEE DUE shown above.

II. Part B-Issue Fee Transmittal should be completed and returned to the Patent and Trademark Office (PTO) with your ISSUE FEE. Even if the ISSUE FEE has already been paid by charge to deposit account, Part B Issue Fee Transmittal should be completed and returned. If you are charging the ISSUE FEE to your deposit account, section "4b" of Part B-Issue Fee Transmittal should be completed and an extra copy of the form should be submitted.

III. All communications regarding this application must give application number and batch number. Please direct all communications prior to issuance to Box ISSUE FEE unless advised to the contrary.

IMPORTANT REMINDER: Utility patents issuing on applications filed on or after Dec. 12, 1980 may require payment of maintenance fees. It is patentee's responsibility to ensure timely payment of maintenance fees when due.

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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09/407,651 09/28/99 ROGERS

R 696-P-4

EXAMINER

MM91/0921

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3333 E. CAMELBACK RD STE 212
PHOENIX AZ 85006

HIRSHFELD, A

ART UNIT	PAPER NUMBER
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2859

DATE MAILED:

09/21/01

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Notice of Allowability

Application No.

09/407,651

Examiner

Andrew H Hirshfeld

Applicant(s)

ROGERS ET AL.

Art Unit

2859

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to the telephonic interview of September 19, 2001.
2. ☒ The allowed claim(s) is/are 6, 7 and 9-13.
3. ☐ The drawings filed on _____ are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).
 - * Certified copies not received: _____.
5. ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
 - (a) ☐ The translation of the foreign language provisional application has been received.
6. ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application. **THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

7. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
8. ☒ CORRECTED DRAWINGS must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No. _____.
 - (b) ☒ including changes required by the proposed drawing correction filed 01 June 2001, which has been approved by the Examiner. *(Figs 1 + 2 only)*
 - (c) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No. _____.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the top margin (not the back) of each sheet. The drawings should be filed as a separate paper with a transmittal letter addressed to the Official Draftsperson.

9. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|--|--|
| 1 <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 2 <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3 <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 4 <input type="checkbox"/> Interview Summary (PTO-413), Paper No. _____ |
| 5 <input type="checkbox"/> Information Disclosure Statements (PTO-1449), Paper No. _____ | 6 <input checked="" type="checkbox"/> Examiner's Amendment/Comment |
| 7 <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit of Biological Material | 8 <input type="checkbox"/> Examiner's Statement of Reasons for Allowance |
| | 9 <input type="checkbox"/> Other |

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DETAILED ACTION

1. An examiner's amendment to the record appears below.

Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR

1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Gregory Nelson on September 19, 2001. The purpose of the examiner's amendment was to define the claims over the prior art by making the claim a kit claim which includes the flag assembly and the flare. Applicant's representative was informed during the interview that the proposed changes to figures 1 and 2 are approved, but the proposed change to figure 4 is not approved. However, in view of the examiner's amendment, no change to figure 4 is necessary.

2. The application has been amended as follows:

IN THE SPECIFICATION:

On page 5: / In line 12, "taken along line 5-5 of Figure 4-- has been replaced with + of the marker of the invention--".

C | On page 8: / In line 5, "16" has been replaced with

--10--.

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IN THE CLAIMS:

In each of claims 6, 7 and 9-11, --kit-- has been inserted after "marker".

In claim 6 and 9-11, --hollow-- has been inserted after "said".

In claim 7, "lower" has been deleted.

In claim 12, the second occurrence of "marker" has been replaced with --hollow body--.

In claim 13:

In line 1, "fastening marker" has been replaced with --location marker kit--.

In line 2, --kit-- has been inserted prior to "comprising".

In line 6, "and" has been deleted.

In line 8, a semi-colon has been inserted after "shape" and "to temporarily receive and display" has been deleted.

Line 9 has been deleted.

The following text has been added at the end of the claim:

-- (c) a flag pole having a flag at an upper end thereof, said flag pole having a lower end with a shape corresponding to the geometric shape of a first one of said

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receptacles, wherein said flag pole is insertable into said first receptacle to maintain said flag pole in a position extending upwardly from said hollow body; and

(d) a flare having a lower end with a shape corresponding to the geometric shape of a second one of said receptacles, wherein said flare is insertable into said second receptacle to maintain said flare in a position extending upwardly from said hollow body.--

3. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Examiner Andrew Hirshfeld whose telephone number is (703) 305-6619.

Any inquiry of a general nature or relating to the status of this application should be directed to the Technology Center receptionist whose telephone number is (703) 308-0956.

Andrew Hirshfeld
Andrew Hirshfeld
Primary Examiner
Art Unit 2859
September 19, 2001

3,651

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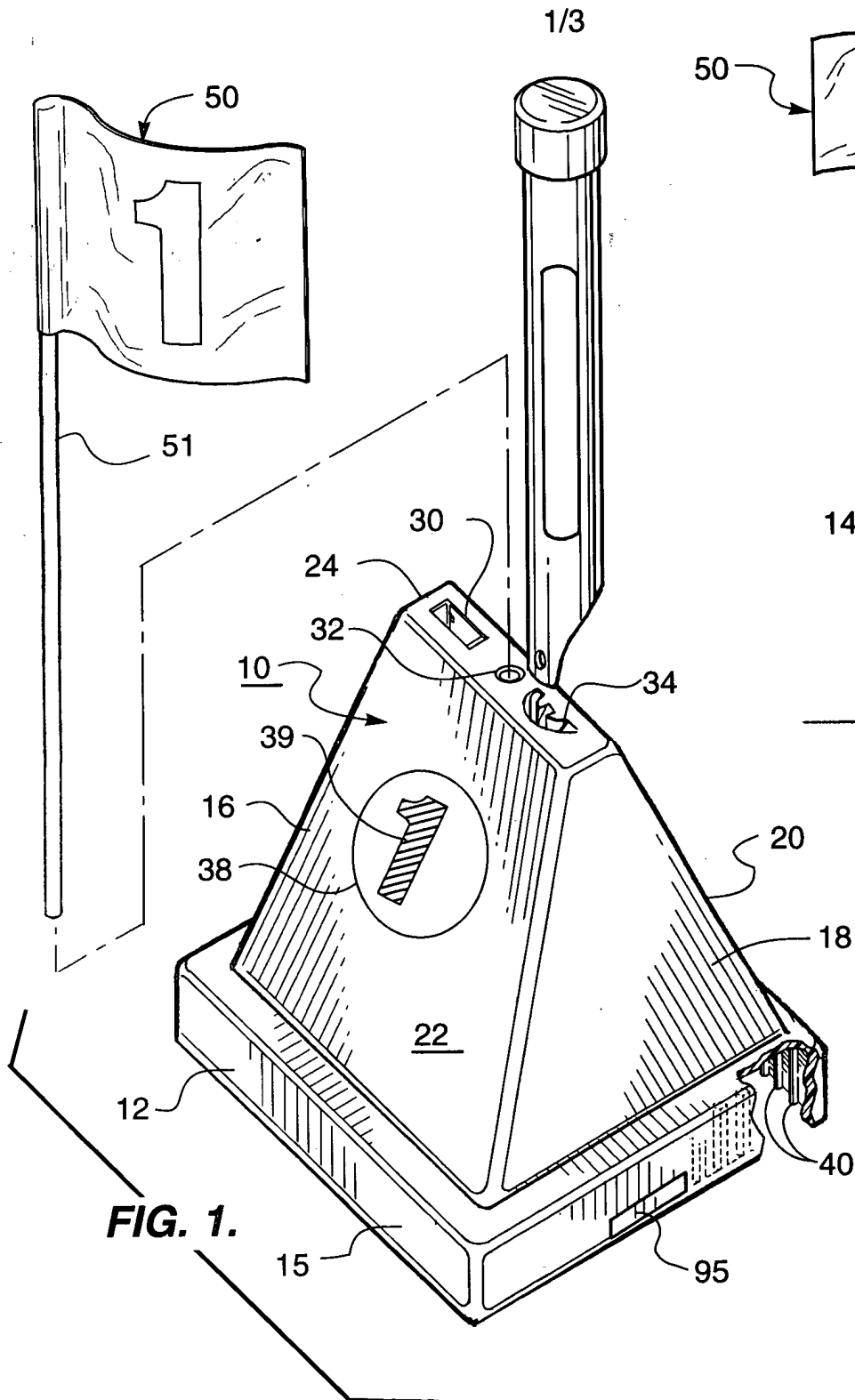


FIG. 1.

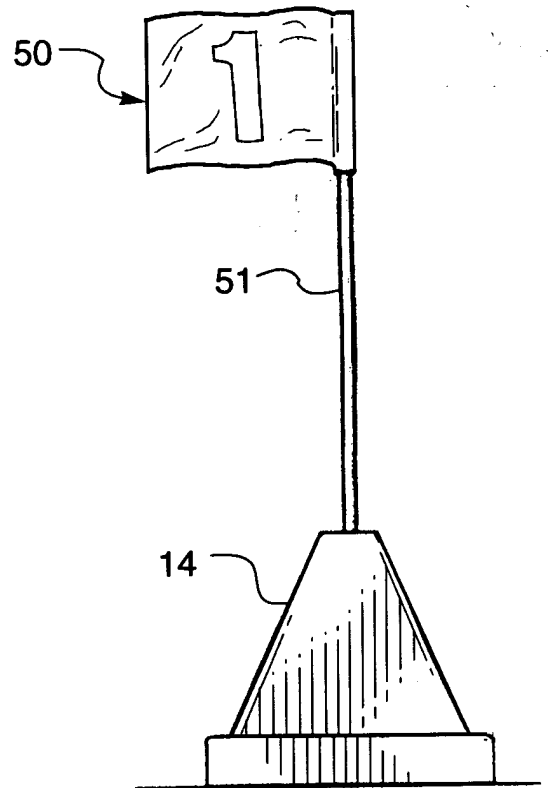


FIG. 2.

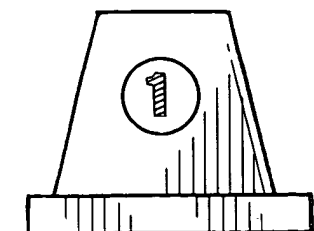


FIG. 8.

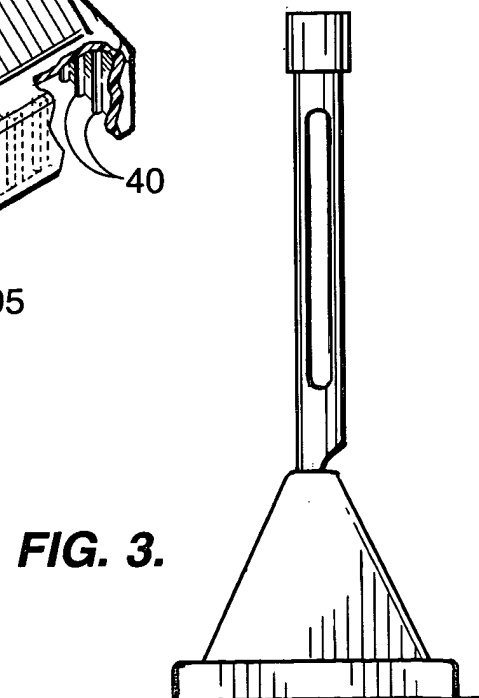


FIG. 3.

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FIG. 4.

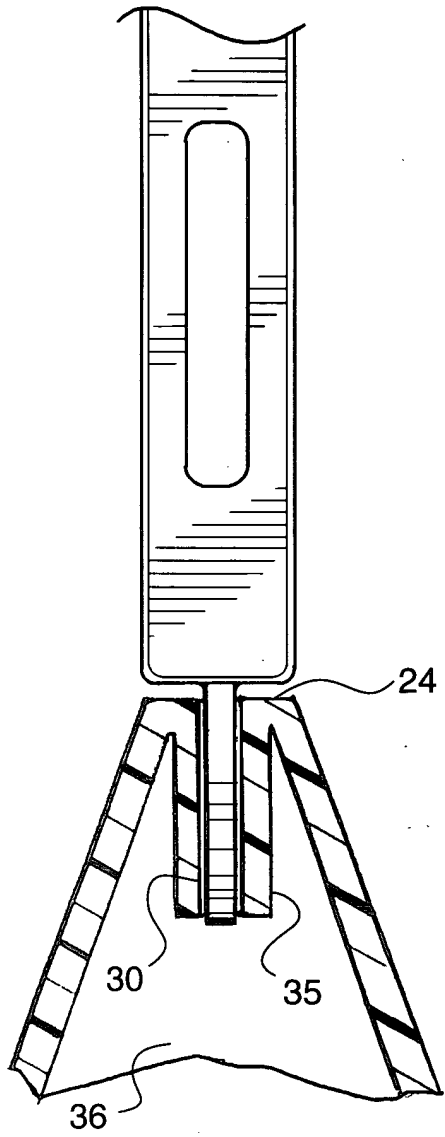


FIG. 5.

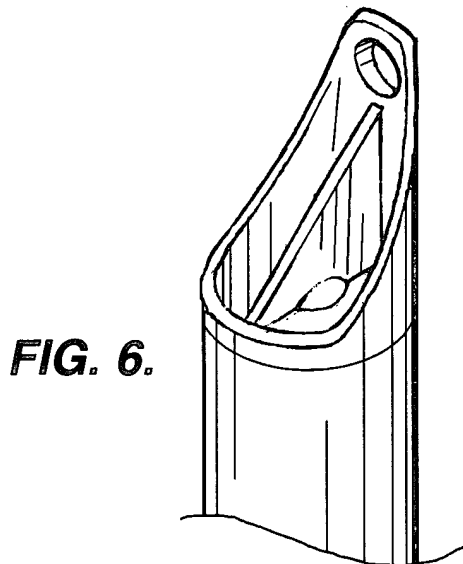
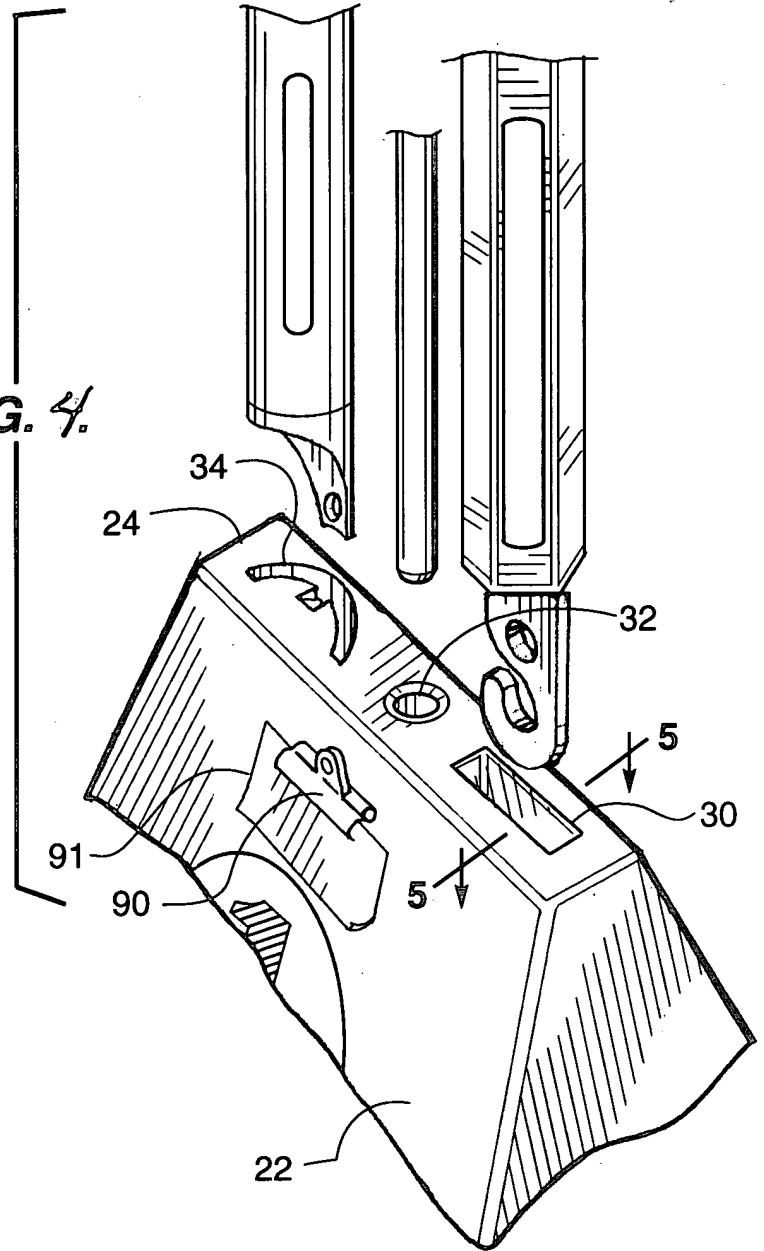


FIG. 6.

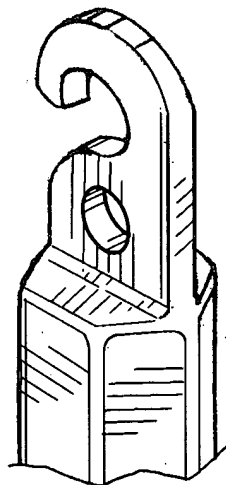


FIG. 7.

